HIGH COURT OF UTTARANCHAL AT NAINITAL

CIVIL REVISION NO. 34 OF 2001
OLD NO. 503 of 1995

Dayal Singh Panwar ..Plaintiff/Applicant

Versus

Ram Swarup Uniyal and anr …Defendant/Applicant

Dated. 31.7.2004

Counsel for the Applicant : Mahesh Chandra Gupta Advocate

Hon. Rajesh Tandon J.

Heard the counsel for the parties.

By the impugned order the applicant has prayed for seting aside the order dated 7.7.95. by which paintiff has been directed to amend the plaint by joining the State of U.P. as a party.

Briefly stated a suit was filed being suit No. 9 of 95 for injunction against the defendant.

Distt Judge Pauri Garhwal has framed Issued No.1 with regard to non joinder of State. Issue has been decided against the plaintiff.

The Distt. Judge has recorded a finding that the real intention of the plaint is to seek a declaration on state's proprietary and as such the state is necessary party.

In view of the above, I find no infirmity in the order passed by the District Judge so as to interfere under revisional jurisdiction contained under section 115 of Code of Civil Procedure.

Revision Petition is dismissed. No order as to Cost.

Dated July31, 2004

Dhyani (Rajesh Tandon J)